

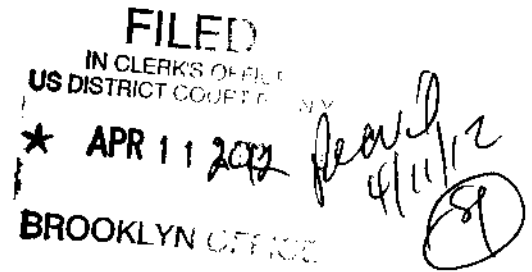
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANN BURTON,

Plaintiff,

-against-

SILVERCREST CENTER FOR NURSING
AND REHABILITATION, *et al.*,
Defendants.
-----X



ORDER

11-CV-2757 (SLT) (LB)

This is the second of two *pro se* cases brought by plaintiff Ann Burton against one of her former employers, defendant Silvercrest Center for Nursing and Rehabilitation ("SCNR"), and two SCNR employees, Marie Mitchell and Darlene Weitzman. By Memorandum and Order dated November 10, 2011, this Court dismissed Mitchell and Weitzman from the action. On January 18, 2012, the remaining defendant, SCNR, requested permission to move to dismiss this action. To date, plaintiff has not responded to SCNR's request. Accordingly, it is hereby

ORDERED that defendant SCNR's request for permission to move to dismiss is granted. If SCNR intends to rely on matters outside the pleadings, it may move, in the alternative, for summary judgment pursuant to Fed. R. Civ. P. 56. In such circumstances, SCNR must include in its motion papers the "Notice to Pro Se Litigant" required by Local Civil Rule 56.2. It is further

ORDERED that SCNR shall serve a copy of its motion papers on plaintiff via overnight mail on or before May 4, 2012; that plaintiff shall mail a copy of her response to the motion to SCNR's counsel – Nixon Peabody, 50 Jericho Quadrangle, Suite 300, Jericho, New York 11753-2728 – on or before June 4, 2012, and that SCNR shall have until June 18, 2012, in which to serve a copy of its reply, if any, on plaintiff via overnight mail; and further

ORDERED, that the SCNR shall file the fully briefed motion with the Court on or before June 18, 2012.

SANDRA L. TOWNES
United States District Judge

Dated: April 10, 2012
Brooklyn, New York

cm